

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN**

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

LA.App..No. 1042 of 2004()

LAR.85/2002 of PRL.SUB COURT,KOTTAYAM

APPELLANT/RESPONDENT

STATE OF KERALA

BY GOVERNMENT PLEADER ADV. SMT. K.R. DEEPA.
BY ADV. SRI.RAJAN JOSEPH, ADDL.A.G.

RESPONDENTS/ CLAIMANTS:

1. BHAVANI, W/O. KESAVAN,
MALAYILNINNUM POTTENPLAKKAL HOUSE, KUNNAPPALLY,
MULAKKULAM VILLAGE, VAIKOM.
2. CHELLAPPAN, S/O. KESAVAN, OF -- DO --
3. KAMALA, W/O. CHELLAPPAN, OF ---- DO ----

BY ADV. SRI.RAJEEV V.KURUP

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION
ON 22/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

KURIAN JOSEPH & K.T. SANKARAN, JJ.

.....
L.A.A. No. 1042 OF 2004
.....

Dated this the 22nd February , 2007

J U D G M E N T

Kurian Joseph, J:

In view of dismissal of the petition for condonation of delay in filing the appeal, the appeal is also dismissed.

**KURIAN JOSEPH,
JUDGE.**

**K.T. SANKARAN,
JUDGE.**

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KURIAN JOSEPH & K.T. SANKARAN, JJ.

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**C.M. APPLN. NO. 1867 OF 2004
IN L.A.A. No. 1042 OF 2004**
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Dated this the 22nd February , 2007

ORDER

This is a petition to condone the delay of 164 days in filing the appeal. It is seen that the enhancement given by the reference court is only 60%. The reference court found that the basic property covered by Ext. A1 and the acquired property are not similar. Land in Ext. A1 was included in Category No.11 relating to land without panchayat road access. The reference court also found that the acquired land was having more significance since the same was not far away from the important institutions and in view of the same, enhancement was given upto 60%. Acquired property is only 8.50 Ares. Acquisition was for the purpose of Peruva Distributory.

In several other similar cases where enhancement was 60%, this court has sustained the judgment of the reference court. In the said circumstance, we do not find any reason to condone the delay and to consider the matter on merits. Accordingly, the delay petitions is dismissed.

**KURIAN JOSEPH,
JUDGE.**

**K.T. SANKARAN,
JUDGE.**

